

110TH CONGRESS
1ST SESSION

H. R. 3232

To establish a non-profit corporation to communicate United States entry policies and otherwise promote tourist, business, and scholarly travel to the United States.

IN THE HOUSE OF REPRESENTATIVES

JULY 31, 2007

Mr. DELAHUNT (for himself, Mr. BLUNT, Mr. FARR, Mr. PORTER, Mr. EMANUEL, Mr. BARTON of Texas, Mr. GEORGE MILLER of California, Mr. SMITH of Texas, Ms. SLAUGHTER, Mr. STEARNS, Ms. LORETTA SANCHEZ of California, and Mr. FEENEY) introduced the following bill; which was referred to the Committee on Energy and Commerce, and in addition to the Committees on the Judiciary and Homeland Security, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned

A BILL

To establish a non-profit corporation to communicate United States entry policies and otherwise promote tourist, business, and scholarly travel to the United States.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE; TABLE OF CONTENTS.**

4 (a) SHORT TITLE.—This Act may be cited as the
5 “Travel Promotion Act of 2007”.

1 (b) TABLE OF CONTENTS.—The table of contents for
2 this Act is as follows:

- 3 Sec. 1. Short title; table of contents.
- 4 Sec. 2. Findings.
- 5 Sec. 3. The Corporation for Travel Promotion.
- 6 Sec. 4. Accountability measures.
- 7 Sec. 5. Matching public and private funding.
- 8 Sec. 6. Travel Promotion Fund fees.
- 9 Sec. 7. Investment of Funds.
- 10 Sec. 8. Amendments to the International Travel Act of 1961.
- 11 Sec. 9. Definitions.

12 **SEC. 2. FINDINGS.**

13 The Congress finds as follows:

14 (1) Securing the borders of the United States
15 and facilitating international travel to the United
16 States are not mutually exclusive.

17 (2) As part of the effort to protect the people
18 of the United States from attacks by al-Qaeda and
19 other foreign groups opposed to our policies in the
20 predominantly Muslim regions of the world, Con-
21 gress and the Administration tightened the entry
process to the United States after the attacks of
September 11, 2001.

(3) As confirmed by a large-scale random poll
in four Muslim nations in 2007 by the Program on
International Policy Attitudes, an improved image of
the United States abroad damages the ability of al-
Qaeda and similar groups to recruit and to operate.

(4) Foreign nationals who have visited the
United States tend to give more favorable ratings to

1 the United States than foreign nationals who have
2 not visited the United States, with scientific polls by
3 such firms as the Pew Research Center and Zogby
4 International consistently finding a roughly 10 per-
5 centage point increase for travelers, and even their
6 friends and family members rate the United States
7 significantly more favorably than do other nonvisi-
8 tors.

9 (5) Inviting and facilitating travel to the United
10 States by tourists, business people, students, and
11 scholars will not only help improve our image
12 abroad, but will produce significant domestic eco-
13 nomic benefits.

14 (6) The tightening of the entry process to the
15 United States after September 11, 2001, is partly
16 responsible for the number of international travelers
17 to the United States in the six years from 2001 to
18 2006, as recorded by the Department of Commerce,
19 being 56,000,000, or 17 percent, lower than the ex-
20 pected number of international travelers during that
21 period, based on the trend from the previous six
22 years.

23 (7) Department of Commerce estimates for
24 spending by international travelers indicate that
25 these 56,000,000 expected travelers would have

1 spent \$98,000,000,000 (valued in 2007 dollars) in
2 the United States.

3 (8) Universities in the United States have fre-
4 quently reported since 2001 that potential foreign
5 enrollees have chosen to study in other countries be-
6 cause of a perception that there would have been
7 delays in visa approval and an unpleasant entry
8 process.

9 (9) Scientists and scholars in the United States
10 have frequently reported since 2001 that inter-
11 national conferences that might have been held in
12 the United States are held elsewhere, because of a
13 perception that participation will be reduced by
14 delays in visa approval and an unpleasant entry
15 process.

16 (10) Businesses in the United States have fre-
17 quently reported since 2001 that delays and denials
18 for visa applications for short-term visits by current
19 and prospective employees, consultants, and inves-
20 tors have significantly hampered their international
21 competitiveness.

22 (11) It is in the national interest of the United
23 States that there be a coordinated effort to identify
24 perceptions regarding the United States entry policy
25 that tend to limit the number of international trav-

1 elers to the United States, to communicate facts
2 about the entry policy to potential travelers that will
3 encourage them to travel to the United States, and
4 to promote generally travel to the United States by
5 tourists, business people, students, and scholars.

6 **SEC. 3. THE CORPORATION FOR TRAVEL PROMOTION.**

7 (a) ESTABLISHMENT.—The Corporation for Travel
8 Promotion is established as a nonprofit corporation. The
9 Corporation shall not be an agency or establishment of
10 the United States Government. The Corporation shall be
11 subject to the provisions of the District of Columbia Non-
12 profit Corporation Act (sec. 29–301.01 et seq., D.C. Offi-
13 cial Code), to the extent that such provisions are con-
14 sistent with this section, and shall have the powers con-
15 ferred upon a nonprofit corporation by that Act to carry
16 out its purposes and activities.

17 (b) BOARD OF DIRECTORS.—

18 (1) IN GENERAL.—The Corporation shall have
19 a board of directors of 14 members, appointed by
20 the Secretary of Commerce after consultation with
21 the Secretaries of Homeland Security, State, and
22 Education, each of whom is a United States citizen,
23 and of whom—

1 (A) one shall have appropriate expertise
2 and experience in the hotel accommodations
3 sector;

4 (B) one shall have appropriate expertise
5 and experience in the restaurant sector;

6 (C) one shall have appropriate expertise
7 and experience in the national-level retail sec-
8 tor;

9 (D) one shall have appropriate expertise
10 and experience in the local-level retail sector, or
11 in associations representing that sector;

12 (E) one shall have appropriate expertise
13 and experience in the advertising sector;

14 (F) one shall have appropriate expertise
15 and experience in the attractions sector;

16 (G) one shall have appropriate expertise
17 and experience in the recreation sector;

18 (H) one shall have appropriate expertise
19 and experience in the research, development, or
20 manufacturing sector;

21 (I) one shall have appropriate expertise
22 and experience in the financial services sector;

23 (J) one shall have appropriate expertise
24 and experience in the passenger air sector;

1 (K) one shall have appropriate expertise
2 and experience in the car rental sector;

3 (L) one shall have appropriate expertise
4 and experience as an official at the state and
5 municipal level, or in associations of such offi-
6 cials;

7 (M) one shall have appropriate expertise
8 and experience in the higher education sector;
9 and

10 (N) one shall have appropriate expertise
11 and experience in the non-profit scientific re-
12 search sector and in coordinating international
13 scholarly conferences in the United States.

14 (2) INCORPORATION.—The members of the ini-
15 tial board of directors shall serve as incorporators
16 and shall take whatever actions are necessary to es-
17 tablish the Corporation under the District of Colum-
18 bia Nonprofit Corporation Act (sec. 29–301.01 et
19 seq.).

20 (3) TERM OF OFFICE.—The term of office of
21 each member of the board appointed by the Sec-
22 retary shall be 3 years, except that, of the members
23 first appointed—

24 (A) 3 shall be appointed for terms of 1
25 year;

1 (B) 4 shall be appointed for terms of 2
2 years; and

3 (C) 4 shall be appointed for terms of 3
4 years.

5 (4) VACANCIES.—Any vacancy in the board
6 shall not affect its power, but shall be filled in the
7 manner required by this section. Any member whose
8 term has expired may serve until the member's suc-
9 cessor has taken office, or until the end of the cal-
10 endar year in which the member's term has expired,
11 whichever is earlier. Any member appointed to fill a
12 vacancy occurring prior to the expiration of the term
13 for which that member's predecessor was appointed
14 shall be appointed for the remainder of the prede-
15 cessor's term. No member of the board shall be eligi-
16 ble to serve more than 2 consecutive full terms.

17 (5) ELECTION OF CHAIRMAN AND VICE CHAIR-
18 MAN.—Members of the board shall annually elect
19 one of their members to be Chairman and elect 1 or
20 more of their members as a Vice Chairman or Vice
21 Chairmen.

22 (6) STATUS AS FEDERAL EMPLOYEES.—Not-
23 withstanding any provision of law to the contrary,
24 no member of the board may be considered to be a

1 Federal employee of the United States by virtue of
2 his or her service as a member of the board.

3 (7) COMPENSATION; EXPENSES.—No member
4 of the board shall receive any compensation from the
5 Federal government by virtue of his or her service
6 as a member of the board. Each member of the
7 board shall be paid actual travel expenses and per
8 diem in lieu of subsistence expenses when away from
9 his or her usual place of residence, in accordance
10 with section 5703 of title 5, United States Code.

11 (c) OFFICERS AND EMPLOYEES.—

12 (1) IN GENERAL.—The Corporation shall have
13 a President, and such other officers as may be
14 named and appointed by the board for terms and at
15 rates of compensation fixed by the board. No indi-
16 vidual other than a citizen of the United States may
17 be an officer of the Corporation. The corporation
18 may hire and fix the compensation of such employ-
19 ees as may be necessary to carry out its purposes.
20 No officer or employee of the Corporation may re-
21 ceive any salary or other compensation (except for
22 compensation for services on boards of directors of
23 other organizations that do not receive funds from
24 the Corporation, on committees of such boards, and
25 in similar activities for such organizations) from any

1 sources other than the Corporation for services ren-
2 dered during the period of his or her employment by
3 the Corporation. Service by any officer on boards of
4 directors of other organizations, on committees of
5 such boards, and in similar activities for such orga-
6 nizations shall be subject to annual advance ap-
7 proval by the board and subject to the provisions of
8 the Corporation's Statement of Ethical Conduct. All
9 officers and employees shall serve at the pleasure of
10 the board.

11 (2) NONPOLITICAL NATURE OF APPOINT-
12 MENT.—No political test or qualification shall be
13 used in selecting, appointing, promoting, or taking
14 other personnel actions with respect to officers,
15 agents, or employees of the Corporation.

16 (d) NONPROFIT AND NONPOLITICAL NATURE OF
17 CORPORATION.—

18 (1) STOCK.—The Corporation shall have no
19 power to issue any shares of stock, or to declare or
20 pay any dividends.

21 (2) PROFIT.—No part of the income or assets
22 of the Corporation shall inure to the benefit of any
23 director, officer, employee, or any other individual
24 except as salary or reasonable compensation for
25 services.

1 (3) POLITICS.—The Corporation may not con-
2 tribute to or otherwise support any political party or
3 candidate for elective public office.

4 (e) DUTIES AND POWERS.—

5 (1) IN GENERAL.—The Corporation shall de-
6 velop and execute a plan—

7 (A) to provide useful information to for-
8 eign tourists, business people, students, schol-
9 ars, scientists and others interested in traveling
10 to the United States, including the distribution
11 of material provided by the Federal Government
12 concerning entry requirements, required docu-
13 mentation, fees, and processes, to prospective
14 travelers, travel agents, tour operators, meeting
15 planners, foreign governments, travel media and
16 other international stakeholders;

17 (B) to identify and address perceptions in
18 other countries regarding United States entry
19 policies that tend to limit attempts to travel to
20 the United States; and

21 (C) to maximize the economic and diplo-
22 matic benefits of travel to the United States by
23 promoting the United States of America to
24 world travelers through the use of, but not lim-
25 ited to, all forms of advertising, outreach to

1 trade shows, and other appropriate promotional
2 activities.

3 (2) SPECIFIC POWERS.—In order to carry out
4 the purposes of this section, the Corporation may—

5 (A) obtain grants from and make contracts
6 with individuals and private companies, State,
7 and Federal agencies, organizations, and insti-
8 tutions;

9 (B) hire or accept the voluntary services of
10 consultants, experts, advisory boards, and pan-
11 els to aid the Corporation in carrying out its
12 purposes; and

13 (C) take such other actions as may be nec-
14 essary to accomplish the purposes set forth in
15 this section.

16 (f) OPEN MEETINGS.—Meetings of the board of di-
17 rectors of the Corporation, including any committee of the
18 board, shall be open to the public. The board may, by ma-
19 jority vote, close any such meeting only for the time nec-
20 essary to preserve the confidentiality of commercial or fi-
21 nancial information that is privileged or confidential, to
22 discuss personnel matters, or to discuss legal matters af-
23 fecting the Corporation, including pending or potential liti-
24 gation.

1 (g) MAJOR CAMPAIGNS.—The board may not author-
2 ize the Corporation to obligate or expend more than
3 \$25,000,000 on any advertising campaign, promotion, or
4 related effort unless—

5 (1) the obligation or expenditure is approved by
6 an affirmative vote of at least $\frac{2}{3}$ of the members of
7 the board present at the meeting;

8 (2) at least 8 members of the board are present
9 at the meeting at which it is approved; and

10 (3) each member of the board has been given
11 at least 3 days advance notice of the meeting at
12 which the vote is to be taken and the matters to be
13 voted upon at that meeting.

14 (h) FISCAL ACCOUNTABILITY.—

15 (1) FISCAL YEAR.—The Corporation shall es-
16 tablish as its fiscal year the 12-month period begin-
17 ning on October 1.

18 (2) BUDGET.—The Corporation shall adopt a
19 budget for each fiscal year.

20 (3) ANNUAL AUDITS.—The Corporation shall
21 engage an independent accounting firm to conduct
22 an annual financial audit of the Corporation's oper-
23 ations and shall publish the results of the audit. The
24 Comptroller General shall have full and complete ac-
25 cess to the books and records of the Corporation.

1 **SEC. 4. ACCOUNTABILITY MEASURES.**

2 (a) OBJECTIVES.—The Board shall establish annual
3 objectives for the Corporation for each fiscal year subject
4 to approval by the Secretary. The Corporation shall estab-
5 lish a marketing plan for each fiscal year not less than
6 60 days before the beginning of that year and provide a
7 copy of the plan, and any revisions thereof, to the Sec-
8 retary.

9 (b) BUDGET.—The board shall transmit a copy of the
10 Corporation’s budget for the forthcoming fiscal year to the
11 Secretary no later than August 16 immediately preceding
12 that fiscal year, together with an explanation of any ex-
13 penditure provided for by the budget in excess of
14 \$5,000,000 for the fiscal year. The Corporation shall
15 make a copy of the budget and the explanation available
16 to the public and shall provide public access to the budget
17 and explanation on the Corporation’s website.

18 (c) ANNUAL REPORT TO CONGRESS.—The Corpora-
19 tion shall submit an annual report for the preceding fiscal
20 year to the Secretary of Commerce for transmittal to the
21 Congress on or before the 15th day of May of each year.
22 The report shall include—

23 (1) a comprehensive and detailed report of the
24 Corporation’s operations, activities, financial condi-
25 tion, and accomplishments under this Act;

1 (2) a comprehensive and detailed inventory of
2 amounts obligated or expended by the Corporation
3 during the preceding fiscal year;

4 (3) a detailed description of each in-kind con-
5 tribution, its fair market value, the individual or or-
6 ganization responsible for contributing, its specific
7 use, and a justification for its use within the context
8 of the Corporation's mission;

9 (4) an objective and quantifiable measurement
10 of its progress, on an objective-by-objective basis, in
11 meeting the objectives established by the board;

12 (5) an explanation of the reason for any failure
13 to achieve an objective established by the board; and

14 (6) such recommendations as the Corporation
15 deems appropriate.

16 **SEC. 5. MATCHING PUBLIC AND PRIVATE FUNDING.**

17 (a) ESTABLISHMENT OF TRAVEL PROMOTION
18 FUND.—There is hereby established in the Treasury a
19 fund which shall be known as the “Travel Promotion
20 Fund”.

21 (b) FUNDING.—

22 (1) FIRST YEAR.—For fiscal year 2008, the
23 Corporation may borrow from the Treasury, begin-
24 ning on October 1, 2007, such sums as may be nec-
25 essary, but not to exceed \$10,000,000, to cover its

1 initial expenses and activities under this Act. At the
2 earliest practicable date, the Corporation shall reim-
3 burse the Treasury any such amounts borrowed
4 from the Treasury, with at least 50 percent reim-
5 bursed before October 1, 2010, and the remainder
6 reimbursed before October 1, 2012. Reimbursement
7 shall include interest at a rate determined by the
8 Treasury to ensure that there is no loss of real pur-
9 chasing power to the Treasury from this borrowing
10 due to inflation.

11 (2) SUBSEQUENT YEARS.—For each of fiscal
12 years 2009 through 2012, from amounts deposited
13 in the general fund of the Treasury during the pre-
14 ceding fiscal year from fees under section 6, the Sec-
15 retary of the Treasury shall transfer not more than
16 \$100,000,000 to the Fund, which shall be made
17 available to the Corporation, subject to subsection
18 (c), to carry out its functions under this Act. Trans-
19 fers shall be made at least quarterly on the basis of
20 estimates by the Secretary, and proper adjustments
21 shall be made in amounts subsequently transferred
22 to the extent prior estimates were in excess or less
23 than the amounts required to be transferred.

24 (c) MATCHING REQUIREMENT.—

1 (1) IN GENERAL.—No amounts may be made
2 available to the Corporation under this section after
3 fiscal year 2008, except to the extent that—

4 (A) for fiscal year 2009, the Corporation
5 provides matching funds from non-Federal
6 sources equal in the aggregate to 50 percent or
7 more of the amount transferred to the Fund
8 under subsection (b); and

9 (B) for any fiscal year after fiscal year
10 2009, the Corporation provides matching funds
11 from non-Federal sources equal in the aggre-
12 gate to 100 percent of the amount transferred
13 to the Fund under subsection (b) for the fiscal
14 year.

15 (2) GOODS AND SERVICES.—For the purpose of
16 determining the amount of matching funds, other
17 than money, available to the Corporation—

18 (A) the fair market value, as determined
19 by the Corporation, of goods and services (in-
20 cluding advertising) contributed to the Corpora-
21 tion for use under this Act may be included in
22 the determination; but

23 (B) the fair market value of such goods
24 and services may not account for more than 80

1 percent of the matching requirement for the
2 Corporation in any fiscal year.

3 (3) **RIGHT OF REFUSAL.**—The Corporation may
4 decline to accept any contribution in kind that it de-
5 termines to be inappropriate, not useful, or commer-
6 cially worthless.

7 **SEC. 6. TRAVEL PROMOTION FUND FEES.**

8 If a fully automated electronic traveler authorization
9 system to collect basic biographical information in order
10 to determine, in advance of travel, the eligibility of an
11 alien to travel to the United States is implemented, the
12 United States Government may charge a fee to an appli-
13 cant for the use of the system. The amount of any such
14 fee initially shall be at least \$10, plus such amounts as
15 may be necessary to cover the cost of operating such a
16 system, but may be reduced thereafter if that amount is
17 not necessary to ensure that the Corporation is fully fund-
18 ed.

19 **SEC. 7. INVESTMENT OF FUNDS.**

20 Pending disbursement pursuant to a program, plan,
21 or project, the Corporation may invest funds received by
22 the Corporation only in obligations of the United States
23 or any agency thereof, in general obligations of any State
24 or any political subdivision thereof, in any interest-bearing
25 account or certificate of deposit of a bank that is a mem-

1 ber of the Federal Reserve System, or in obligations fully
2 guaranteed as to principal and interest by the United
3 States.

4 **SEC. 8. AMENDMENTS TO THE INTERNATIONAL TRAVEL**
5 **ACT OF 1961.**

6 (a) **POWERS AND DUTIES OF SECRETARY OF COM-**
7 **MERCE.**—Section 201 of the International Travel Act of
8 1961 (22 U.S.C. 2122) is amended—

9 (1) in the first sentence of the matter preceding
10 paragraph (1)—

11 (A) by striking “and by the United States
12 National Tourism Organization Act of 1996”;
13 and

14 (B) by striking “United States National
15 Tourism Organization” and inserting “Corpora-
16 tion for Travel Promotion (established by sec-
17 tion 3 of the Travel Promotion Act of 2007)”;

18 (2) in paragraph (4), by striking “United
19 States National Tourism Organization” and insert-
20 ing “Corporation for Travel Promotion”; and

21 (3) by adding at the end the following:
22 “Such plan may not include a comprehensive international
23 advertising campaign relating to critical tourism func-
24 tions.”.

25 (b) **TOURISM POLICY COUNCIL.**—

1 (1) MEMBERSHIP.—Subsection (b) of section
2 301 of the International Travel Act of 1961 (22
3 U.S.C. 2124) is amended—

4 (A) by striking paragraphs (8) through
5 (10);

6 (B) by redesignating paragraph (11) as
7 paragraph (13);

8 (C) by inserting after paragraph (7) the
9 following new paragraphs:

10 “(8) The Secretary of Homeland Security.

11 “(9) The Commissioner of U.S. Customs and
12 Border Protection of the Department of Homeland
13 Security.

14 “(10) The Assistant Secretary of U.S. Customs
15 and Immigration Enforcement of the Department of
16 Homeland Security.

17 “(11) The Secretary of Education.

18 “(12) The President of the Corporation for
19 Travel Promotion (established by section 3 of the
20 Travel Promotion Act of 2007).”; and

21 (D) in paragraph (13) (as redesignated by
22 subparagraph (B) of this paragraph), by insert-
23 ing “, in consultation with other members of
24 the Council” at the end before the period.

1 (2) MEETINGS.—Subsection (d) of such section
2 is amended to read as follows:

3 “(d) The Council shall meet not less than 2 times
4 a year. For the purposes of conducting business, each
5 member of the Council may appoint a designee to rep-
6 resent such member during one or more meetings of the
7 Council.”.

8 (3) INVOLVEMENT OF FEDERAL AGENCIES AND
9 DEPARTMENTS.—Subsection (e) of such section is
10 amended by adding at the end the following new
11 paragraph:

12 “(4) Members of the Council shall provide the Cor-
13 poration for Travel Promotion with timely information re-
14 garding documentation and procedures required for ad-
15 mission to the United States and regarding strategies
16 planned by any Federal department or agency to promote
17 travel to the United States for tourism, business, study,
18 scholarship, scientific exchange, or other purposes, so that
19 the Corporation for Travel Promotion may better conduct
20 its communications and promotion activities.”.

21 (4) ANNUAL REPORT.—Subsection (g)(3) of
22 such section is amended by striking “United States
23 National Tourism Organization” and inserting “Cor-
24 poration for Travel Promotion”.

1 (5) APPLICABILITY OF FEDERAL ADVISORY
2 COMMITTEE ACT.—Subsection (h) of such section is
3 amended by striking “President of the United States
4 National Tourism Organization” and inserting
5 “President of the Corporation for Travel Pro-
6 motion”.

7 (c) REPEAL OF AUTHORITIES RELATING TO THE
8 UNITED STATES TRAVEL AND TOURISM PROMOTION AD-
9 VISORY BOARD.—Section 210 of the Department of Com-
10 merce and Related Agencies Appropriations Act, 2003
11 (contained in title II of division B of Public Law 108–
12 7; 117 Stat. 78–79; 22 U.S.C. 2122 note) is amended—

13 (1) by striking subsections (b) through (d); and

14 (2) by redesignating subsection (e) as sub-
15 section (b).

16 **SEC. 9. DEFINITIONS.**

17 In this Act:

18 (1) BOARD.—The term “Board” means the
19 board of directors of the Corporation.

20 (2) CORPORATION.—The term “Corporation”
21 means the Corporation for Travel Promotion estab-
22 lished by section 3.

23 (3) FUND.—The term “Fund” means the Trav-
24 el Promotion Fund established by section 5.

1 (4) SECRETARY.—Except as otherwise expressly
2 provided, the term “Secretary” means the Secretary
3 of Commerce.

○